IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.190 OF 1993

Shantilal Motilal Kothari and ors.
....Appellants.
Vs.

The Special Land Acquisition Officer
No.16, Pune and another.
....Respondents.

Mr. G.M. Khambete for the Appellants.

Mr. S.N. Gawade, A.G.P. for the Respondents.

CORAM: D.G.DESHPANDE, J.
DATED :11TH FEBRUARY,2005

P.C.:

1. Heard Advocate for the appellants and the A.G.P. for the State.

2. This appeal is filed by the claimants for enhancement of compensation. The land of the claimants admeasuring 2955.45sq.mtrs. from Village Kothrud was acquired under Notification dated 5th August,1982 under Section 4 of the Land Acquisition Act. The Special Land Acquisition Officer has fixed the compensation at the rate of Rs.110/- per sq. meter but awarded only 33% i.e. Rs.37/-per sq. meter. The claimants therefore, filed a reference before the Extra Joint District Judge, Pune and it

came to be dismissed on 20th January,1992. Hence, this appeal.

3. The counsel for the appellants has contended that firstly the claimants had claimed Rs.220/-per sq.meter and there was no reason for the court to reject that claim though the instances were proved on record. Secondly, he contended that if Special Land Acquisition Officer had fixed compensation at the rate of Rs.110/- per sq.meter then there was no justification to award 33% of the same only to the claimants. Thirdly, he contended that the claimants had constructed road and Special Land Acquisition Officer has directed Pune Municipal Corporation-acquiring body to pay compensation of Rs.16,300/- as costs of the road.

4. At this stage, it appears that if at all there can be any order in favour of the appellants directing Pune Municipal Corporation to pay Rs.16,300/-, Pune Municipal Corporation will have to be heard. Therefore, the counsel for the claimants to give notice to Mr. R.G. Ketkar, Advocate who is usually appears for the Pune Municipal Corporation. Keep the matter on 15.2.2005.

(D.G. DESHPANDE, J.)